In the High Court of Uttaranchal, at Nainital

Government Appeal No. 1100 of 2001

(Old No. 446/1982)

State of U.P. --- Appellant.

Vs.

Prakash S/o Bhim Singh Gashwali,
P.S. Mansoori, District Dehradun at present
Khan Sama Cooperative Training Centre Rajpur,
P.S. Rajpur, District Dehradun .. Respondent.

Hon'ble B.C. Kandpal, J.

This appeal has been preferred by the State against the judgment and order dated 30-9-1981 passed by Munsif Magistrate, Dehradun in Criminal case No. 849 of 1981 State Versus Prakash U/S 25/4 of the Arms Act, acquitting the accused/respondent Prakash.

2- Heard learned A.G.A. for the State/appellant and perused the judgment and order passed by the court below.

3- It appears to me that the prosecution could not establish the measurement of the alleged knife recovered from the possession of the respondent. The recovered knife has also not been produced before the court.

4- I do not find any ground for interference in the impugned judgment and order passed by the court below, acquitting the accused/respondent.

5- The appeal fails and is liable to be dismissed.

6- Accordingly the application for leave to appeal is dismissed. Consequently the appeal also stands dismissed.

(B.C. Kandpal, J.)

Dated:7-7-2006
ISB